## **HOUSE JOURNAL**

## THIRD DAY

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## **MORNING SESSION**

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance by Anita Bruce, Representative Ross Romero's mother.

Prayer by Father James Thompson, St. Catherine of Siena, Newman Center Parish.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

January 18, 2005

The Senate passed, as amended, **S.B. 5**, TRAFFIC CODE RECODIFICATION AND REVISIONS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed **S.B. 6**, SALES AND USE TAX AGRICULTURE EXEMPTIONS, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed **S.B. 12**, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed **S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 18**, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, by Senator D. Eastman, and it is transmitted for consideration.

Annette B. Moore Secretary of the Senate

Communications filed. **S.B. 5**, **S.B. 6**, **S.B. 12**, **S.B. 17**, and **S.B. 18**, read the first time by short title and referred to the Rules Committee.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

January 18, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, with the following amendments:

- 1. Page 3, Lines 81 through 83:
  - 81 58–55–308(3); and
  - 82 (C) installation, repair, or replacement of water-based fire protection systems must be
  - 83 performed by a licensed fire suppression systems contractor or a licensed journeyman plumber ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 172**, NOTARY PUBLIC AMENDMENTS, by Representative L. Shurtliff; and

The Business and Labor Committee reports a favorable recommendation on **H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander.

#### Stephen D. Clark, Chair

Reports filed. Representative Clark moved to adopt the reports of the Business and Labor committee. The motion was divided and each bill was voted separately.

- **H.B. 52**, as amended, read the second time by short title and placed on the calendar for third reading.
- **H.B. 172**, read the second time by short title and placed on the calendar for third reading.
- **H.J.R.** 1, read the second time by short title and placed on the calendar for third reading.

Attached to the Business and Labor standing committee report was a Minority Report. Speaker Curtis ruled that the Minority Report needed a vote of the body to be attached to the Majority Report (standing committee report) and printed in the House Journal. Representative Christensen challenged the Speaker's ruling but it failed on a voice vote. The vote on whether to allow the

Minority Report to be attached to the Majority Report and printed in the House Journal passed on the following roll call:

#### Yeas, 58; Nays, 14; Absent or not voting, 3.

#### **Voting in the affirmative were:** Representatives

Adams S. Allen Aagard Alexander Barrus Becker Bigelow Biskupski Bourdeaux Bowman Buttars Buxton S. Clark Cosgrove D. Cox Daw Donnelson Duckworth Dee Dunnigan Ferry Fisher Fowlke Gibson Goodfellow Gowans Hansen Hardy Hendrickson Harper Hogue Holdaway Hunsaker Kiser Jones King Lawrence Litvack Mascaro Mathis McCartney McGee Murray Morgan Newbold Oda Painter Ray Shurtliff Romero G. Snow Ure Urauhart Walker Wallace Wheatley Wheeler Wyatt

## **Voting in the negative were:** Representatives

Christensen D. Clark Dayton Dougall
Ferrin Frank Hughes E. Hutchings
B. Johnson Last Morley Noel

Tilton Curtis

## Absent or not voting were: Representatives Lockhart Menlove Moss

#### MINORITY REPORT H.J.R. 1

Mr. Speaker: January 18, 2005

In accordance with House Rule 24.16, we respectfully dissent from the majority committee report for HJR 1, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative Jeff Alexander for the following reasons:

The Financial Institutions Task Force met twice in 2003 and not again until near the deadline for the Task Force report. Banks and credit unions were never asked to make a presentation to the Task Force explaining their position on the Task Force issues. The Task Force did not meet its deadline for making a report to the Business and Labor Interim Committee.

The Task Force had a statutory charge to address the "competitive equity assessment" (Section 20 of H.B. 162) and to study fourteen questions related not only to credit unions but also banks, other financial institutions, and the Department of Financial Institutions. No analysis or discussion took place on the Task Force's charge.

Input from the National Credit Union Administration, even testimony from the agency, could have been sought by the Task Force but wasn't. Input from our Congressional delegation could have (and still can be) requested by letter. A Resolution is not going to provide any information to congress that could not be achieved in a letter written by the chairs of the Task Force. If HJR 1 passes, it puts the Utah Legislature on record of favoring credit union taxation and criticizing federal credit union regulators.

Jackie Biskupski Committee Member

Carl W. Duckworth Committee Member

Neil A. Hansen Committee Member

Report filed.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B.** 178, MENTAL HEALTH SERVICES COORDINATOR, by Representative D. Hogue, with the following amendments:

- 1. Page 1, Line 17:
  - 17 ▶ {-\$57,800-} <u>as an ongoing appropriation subject to</u> <u>future budget constraints, \$57,800</u> from the General Fund to the Department of Human Services for fiscal year
- 2. Page 2, Line 39:
  - $\frac{39}{appropriation} \frac{\text{This bill appropriates}}{\text{subject to future budget constraints, $57,800}} \quad \frac{\text{as an ongoing}}{\text{from the General Fund to the Department of Human}} \cdot \frac{\$57,800}{\text{from the Depar$

Bradley G. Last, Chair

Report filed. On motion of Representative Last, the report of the Health and Human Services committee was adopted.

**H.B. 178**, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 18, 2005

The Education Committee reports a favorable recommendation on **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al.

Margaret Dayton, Chair

Report filed. On motion of Representative Dayton, the report of the Education committee was adopted.

**H.B. 43**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 18, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 186**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, et al.

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Allen, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 186** and **H.B. 185**, read the second time by short title and placed on the calendar for third reading.

#### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

#### INTRODUCTION OF BILLS

**H.B. 76**, **Habitual Violent Offenders Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

- **H.B. 77**, **Provisions for Emancipation of a Minor** (R. McGee), read the first time by short title and referred to the Rules Committee.
- **H.B. 78**, **Corporate Franchise and Income Tax Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.
- **H.B. 79**, **Provision of Services for People with Disabilities** (R. Lockhart), read the first time by short title and referred to the Rules Committee.
- **H.B. 80**, **Services for People with Disabilities** (R. Lockhart), read the first time by short title and referred to the Rules Committee.
- **H.B. 202**, **Revisions to Child Welfare** (W. Harper), read the first time by short title and referred to the Rules Committee.
- **H.B. 203**, **Agricultural Advisory Board** (M. Noel), read the first time by short title and referred to the Rules Committee.
- **H.B. 204**, **Statute of Limitations Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.
- **H.B. 205**, **Deer Hunt Opening Season Date Amendments** (S. Clark), read the first time by short title and referred to the Rules Committee.
- **H.B. 206**, **Charter School Reporting** (C. Moss), read the first time by short title and referred to the Rules Committee.
- **H.B. 207**, **Prescriptive Easements Act** (G. Hughes), read the first time by short title and referred to the Rules Committee.
- **H.B. 208**, **Unclaimed Property Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.
- **H.B. 209**, **Administrative Rules Impact on Small Businesses** (G. Hughes), read the first time by short title and referred to the Rules Committee.
- H.R. 4, Resolution Urging United States Senate Support of President's Supreme Court Nominees (M. Morley), read the first time by short title and referred to the Rules Committee.
- **H.R. 5**, **House Rules Resolution Oral Declaration of Conflict of Interest** (D. Ure), read the first time by short title and referred to the Rules Committee.
- **H.R.** 6, **House Rules Resolution Electronic Voting Board** (D. Ure), read the first time by short title and referred to the Rules Committee.

#### THIRD READING CALENDAR

- **H.B. 8**, CHILD PROTECTION TEAM MEETINGS, read the third time by short title and placed on its final passage.
  - **H.B. 8** then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Representatives

Aagard Adams Alexander Barrus Becker Bigelow Biskupski Bourdeaux Bowman Buttars Christensen Buxton D. Clark D. Cox S. Clark Cosgrove Daw Dayton Dee Donnelson Dougall Duckworth Dunnigan Ferrin Ferry Fisher Fowlke Frank Gibson Goodfellow Gowans Hansen Harper Hendrickson Hogue Holdaway Hughes Hunsaker E. Hutchings B. Johnson Jones Kiser Last King Litvack Lockhart Mascaro Mathis McGee McCartney Menlove Morgan Morley Moss Murray Newbold Noel Oda Painter Ray Romero Shurtliff G. Snow Tilton Wallace Ure Urguhart Walker Wheatley Wheeler Wyatt Curtis

**Absent or not voting were:** Representatives

S. Allen Hardy Lawrence

**H.B.** 8 transmitted to the Senate for its consideration.

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- **H.B. 10**, EMPLOYMENT SECURITY ACT AMENDMENTS, read the third time by short title and placed on its final passage.
  - **H.B.** 10 then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Representatives

AagardAdamsS. AllenBarrusBeckerBigelowBiskupskiBourdeaux

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives Alexander Hansen King

**H.B.** 10 transmitted to the Senate for its consideration.

#### **UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle H.B. 176.

H.B. 176, REVISOR'S STATUTE, was before the House on its final passage.

**H.B. 176** then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

## **Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson

Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives Alexander Hansen King

**H.B.** 176 transmitted to the Senate for its consideration.

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On motion of Representative Lockhart, the House voted to uncircle H.J.R. 8.

**H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, was before the House on its final passage.

**H.J.R. 8** then passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

## **Voting in the affirmative were:** Representatives

Aagard Adams S. Allen Barrus Becker Bourdeaux Bigelow Biskupski Bowman Buttars Buxton Christensen D. Clark S. Clark D. Cox Cosgrove Daw Donnelson Dayton Dee Ferrin Dougall Duckworth Dunnigan Ferry Fisher Fowlke Frank Gibson Gowans Hardy Harper Hendrickson Hogue Holdaway Hughes Hunsaker B. Johnson Kiser Jones Last Lawrence Litvack Mascaro Mathis McCartney McGee Menlove Morgan Morley Moss Murray Newbold Noe1 Oda Painter Romero Shurtliff G. Snow Ray Tilton Ure Walker Wallace Curtis Wheatley Wheeler Wyatt

### **Absent or not voting were:** Representatives

Alexander Goodfellow Hansen E. Hutchings

King Lockhart Urquhart

**H.J.R.** 8 transmitted to the Senate for its consideration.

#### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to lift **S.J.R. 5** from the Rules Committee, consider it read the second time by short title and placed on the calendar for third reading.

#### UNFINISHED BUSINESS

On motion of Representative Newbold, the House voted to uncircle H.J.R. 6.

**H.J.R. 6**, RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, was before the House on its final passage.

Representative Newbold proposed the following amendment:

#### 1. Page 2, Line 50:

50	Voting 1	Machine O	perator (H)		
	9.27	9.52	9.79	10.06	10.33
	Video S	pecialist (l	H-S)		
	8.32	8.54	8.79	9.03	9.27

Representative Newbold's motion to amend passed on a voice vote.

**H.J.R.** 6, as amended, then passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

#### **Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	Kiser	Last	Lawrence

Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wvatt	Curtis

#### **Absent or not voting were:** Representatives

Alexander	Bourdeaux	Ferrin	Gowans
Hansen	B. Johnson	King	

**H.J.R.** 6, as amended, transmitted to the Senate for its consideration.

#### INTRODUCTION OF BILL

H.C.R. 8, Resolution Recognizing Utah Manufacturers Association (J. Alexander), read the first time by short title and referred to the Rules Committee.

#### MISCELLANEOUS BUSINESS

On motion of Representative Harper, the House voted to move to the Senate Third Reading Calendar.

#### THIRD READING CALENDAR

- **S.J.R. 5**, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION, read the third time by short title and placed on its final passage.
  - **S.J.R.** 5 then passed on the following roll call:

Yeas, 55; Nays, 0; Absent or not voting, 20.

## **Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bowman
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Holdaway	B. Johnson	Jones	Last

Lawrence	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

#### **Absent or not voting were:** Representatives

Biskupski	Bourdeaux	Buttars	S. Clark
Dougall	Dunnigan	Ferrin	Hardy
Hendrickson	Hughes	Hunsaker	E. Hutchings
King	Kiser	Litvack	Lockhart
Mascaro	McCartney	Ure	Urquhart

**S.J.R.** 5 transmitted to the Senate for its consideration.

#### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Governor Jon M. Huntsman, Jr.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

#### UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle H.J.R. 9.

**H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, was before the House on its final passage.

On motion of Representative Dougall, the House voted to circle **H.J.R. 9**.

#### RULES COMMITTEE REPORT

Mr. Speaker: January 19, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

**H.B. 47** New Automobile Franchise Act Amendments (Rep. S. Urquhart)

#### **EDUCATION**

**H.B. 175** Education Achievement Gap Task Force

(Rep. D. Litvack)

#### **HEALTH AND HUMAN SERVICES**

**H.B. 33** Assistance for People with Bleeding Disorders

(Rep. D. Litvack)

H.B. 165 Utah Commission on Aging (Rep. P. Jones)H.B. 167 Elder Protection Provisions (Rep. P. Jones)

#### **JUDICIARY**

**H.J.R. 5** Resolution Clarifying Removal Provisions

(Rep. D. Hogue)

#### NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT

**H.B. 160** Wildlife License Agents Amendments (Rep. J. Fisher)

#### PUBLIC UTILITIES AND TECHNOLOGY

**H.B. 174** Child Protection Registry Amendments (Rep. J. Dougall)

#### REVENUE AND TAXATION

**H.B. 171** Calculation of Mining Severance Tax on Beryllium

(Rep. R. Wheeler)

**H.B. 190** Individual Income Tax – Electronic Filing Requirements

(Rep. S. Clark)

#### TRANSPORTATION

**S.C.R. 1** Resolution Encouraging Managed Lanes Study

(Sen. C. Walker)

## WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT

**H.B. 17** Motion Picture Incentive Fund (Rep. S. Allen)

**H.C.R. 8** Resolution Recognizing Utah Manufacturers Association

(Rep. J. Alexander)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

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## Mr. Speaker:

January 19, 2005

The Rules Committee recommends that, under suspension of the rules, the following bill and resolution be considered read for the second time and placed on the Third Reading Calendar for Senate bills.

# S.B. 5 Traffic Code Recodification and Revisions (Sen. S. Killpack)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to adjourn until January 20, 2005, at 10:00 a.m.

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<b>H.B. 49</b> — BICYC	LE SAFETY PROVISIONS (R. McGee)  Read the first time by short title and referred to the Rules Committee.  Assigned to standing committee	29
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<b>H.B. 56</b> — DIVOR	CE AMENDMENTS (P. Wallace)  Read the first time by short title and referred to the Rules Committee.	
H.B. 57 — ALCOH	HOLIC BEVERAGE CONTROL TASK FORCE (D. Ure) Read the first time by short title and referred to the Rules Committee.	
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H.B. 59 — DOME	STIC VIOLENCE ENHANCEMENT (C. Moss)  Read the first time by short title and referred to the Rules Committee.	
<b>H.B. 60</b> — PRODU	CER LICENSING AMENDMENTS (J. Dunnigan)  Read the first time by short title and referred to the Rules Committee.	
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H.B. 62 — AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED (R. Lockhart)  Read the first time by short title and referred to the Rules Committee.	30
H.B. 63 — SCHOOL DISTRICT AMENDMENTS (D. Cox)  Read the first time by short title and referred to the Rules Committee.	30
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H.B. 69 — FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT (C. Oda)  Read the first time by short title and referred to the Rules Committee.	30
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H.B. 72 — SCHOOL CURRICULUM AMENDMENTS (C. Moss)  Read the first time by short title and referred to the Rules Committee.	50
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